

**REPORT NO. 60** of the  
**ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE**  
of its meeting held April 25, 2012

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**Present:** Councillor Hatfield, Chair  
Councillor Halberstadt  
Councillor Sleiman  
Councillor Valentinis

**Regrets:** Councillor Payne

That the following recommendations of the Environment and Transportation Standing Committee **BE APPROVED:**

Moved by Councillor Valentinis, seconded by Councillor Sleiman,

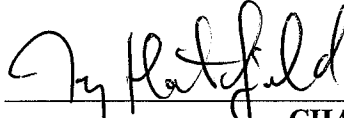
**I) THAT** the City Solicitor **BE AUTHORIZED** to sign the "Release of Claim" presented by James Hardie Building Products, as detailed in the in camera memo, with said release of claim to be satisfactory in form to the City Solicitor, in technical content to the Executive Director of Recreation and Culture, and in financial content to the City Treasurer, and; further,


**II) THAT** the signing of future releases of claim for warranty claim settlements below \$150,000 **BE DELEGATED** to the City Solicitor or designate authorized by the City Solicitor.

Carried.

*Clerk's Note:* The administrative report from the Executive Director of Recreation & Culture dated March 7, 2012 entitled "Settlement – Optimist Community Centre – Release of Claim for Mansard Siding Warranty" is attached as background information.

Livelihood #15823, SR2012

  
CHAIRPERSON

  
DEPUTY CLERK

**NOTIFICATION:**

Name	Address	Email Address	Telephone	FAX



**THE CORPORATION OF THE CITY OF WINDSOR**  
**Environment & Transportation Standing Committee - Administrative Report**



**MISSION STATEMENT:**

*"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"*

<b>LiveLink REPORT #: 15823 SR2012</b>	<b>Report Date: March 7, 2012</b>
<b>Author's Name: Tim Burston</b>	<b>Date to Standing Committee: April 25, 2012</b>
<b>Author's Phone: 519 253-2300 ext. 2737</b>	<b>Classification #:</b>
<b>Author's E-mail: tburston@city.windsor.on.ca</b>	

**To: Environment & Transportation Standing Committee**

**Subject: Settlement - Optimist Community Centre – Release of Claim for Mansard Siding Warranty**

P&R 12-21

**1. RECOMMENDATION: City Wide: \_\_\_\_\_ Ward(s): 4**

**I) THAT** the City Solicitor **BE AUTHORIZED** to sign the "Release of Claim" presented by James Hardie Building Products, as detailed in the in camera memo, with said release of claim to be satisfactory in form to the City Solicitor, in technical content to the Executive Director of Recreation and Culture, and in financial content to the City Treasurer, and; further,

**II) THAT** the signing of future releases of claim for warranty claim settlements below \$150,000 **BE DELEGATED** to the City Solicitor or designate authorized by the City Solicitor.

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

Work was performed on the Optimist Community Centre as detailed in the in-camera report.

**3. DISCUSSION:**

A settlement was reached as reflected in the Recommendation and the reasons are outlined in the in-camera report

**4. RISK ANALYSIS:**

By executing the Release of Claim and accepting the settlement, the City waives any further rights to claims against James Hardie Building Products, and their products located at the Optimist Community Centre, 1075 Ypres Avenue. The In camera memo details the other risks

**5. FINANCIAL MATTERS:**

The in camera memo details the financial impact

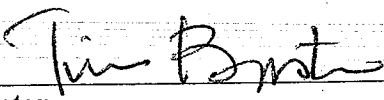
**6. CONSULTATIONS:**

Chris Palmer, Remlap Building Services Inc., the consultant of record, has been involved in the warranty claim process and attended the site meeting. He found the settlement to be fair and reasonable, and recommends acceptance.

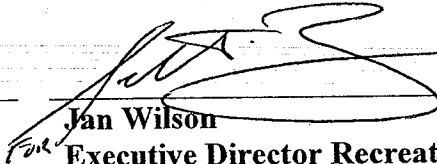
The "Release of Claim" was sent to the Legal and Purchasing Departments for review and comment. Shelby Askin-Hager, Manager of Purchasing & Risk Management, deferred to the Legal Department. Mark Nazarewich, senior legal counsel, of the Legal Department, reviewed the "Release of Claim", and other than some changes in the document language, found it to be in order

**7. CONCLUSION:**

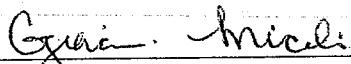
Administration is recommending the settlement with James Hardie Building Products.





Tim Burston  
Parks Technologist

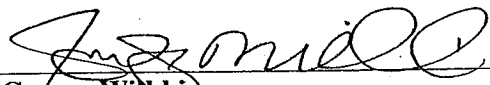


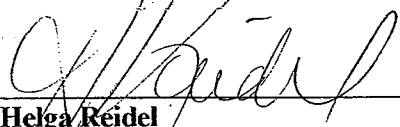
Jan Wilson  
Executive Director Recreation and Culture


  
Giovanni Miceli  
Executive Director of Parks and Facilities

  
Shelby Askin-Hager  
Manager of Purchasing and Risk Development

  
For Onorio Colucci  
Chief Financial Officer/City Treasurer and  
Corporate Leader Finance and Technology

  
George Wilkki  
City Solicitor and Corporate Leader Economic  
Development and Public Safety

  
Helga Reidel  
Chief Administrative Officer

  
Mario Sorrego  
City Engineer and Corporate Leader  
Environmental Protection and Transportation

**APPENDICES:**  
**In-camera memo**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name:**

**Phone #: 519            ext.**

**NOTIFICATION :**

Name	Address	Email Address	Telephone	FAX

